

ECF NEWS

United States Bankruptcy Court District of Nebraska

Issue 3

May 2002

NOTICE

Effective Immediately

As of May 1, 2002, the Clerk's Office only requires the original petition on new filings, except in Chapters 9 and 11, where the original plus two copies are required.

Pursuant to the Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means, Counsel for the Debtor in Chapter 7, 12 and 13 cases must serve by mail, not fax, a paper copy of the petition, schedules and statements of affairs on the appointed trustee within five days of filing or three business days prior to the Sec. 341 meeting.

ECF FACTS AND FIGURES

by Shannon Prall

CM/ECF is off and running. Here is a glimpse at some statistics:

Between the start date of January 2, 2002 and May 1, 2002, there have been 2,558 new cases filed in Nebraska, 30 of which have been filed by an "outside" user. This compares to 2,557 this time last year. During that time 202,350 pages of documents were scanned and there were 41,153 docket entries processed by inside users and 2,969 by outside users.

Jerry Jensen with the US Trustee's office was our very "first" live filer and Philip Kelly of Scottsbluff was our first outside user to submit a petition via CM/ECF. **WAY TO GO!!!!**

There are currently 19 attorneys filing electronically. A special thanks to these attorneys for helping to make ECF a success in our district. We are looking forward to bringing more members of the bar on board.

ELECTRONIC FILING IS THE REAL DEAL!!!

by Philip Kelly

On April 5, 2002, Leslie Kniss, my bankruptcy assistant, pushed a key on her computer, and we electronically filed the very first Chapter 7 bankruptcy petition in the State of Nebraska. She and I prepared for this filing by attending training on electronic filing in North Platte on March 20, 2002. The training took about four hours.

Individuals from the Clerk's office provided the training and were very patient and helpful. After the training was completed, we were given an assignment to complete to demonstrate our knowledge of the system. This assignment consisted of opening a Chapter 7 bankruptcy case and filing motions. I also had to file various reports as a Trustee and demonstrate that, as an attorney, I had an understanding of the process. This assignment was submitted to the Clerk's office for review. It took us approximately an hour and a half to complete the assignment.

It took a little longer to file the first case, but as we have gone through the process a number of times, it gets easier with each new case. Electronic filing has cut down considerably on time and expense involved in photocopying the petitions and schedules. We have the client sign the original schedules and keep the signed original in our file.

There is no question that electronic filing is a time saver once you become accustomed to the procedure. It even allows you to file an emergency case and do a suggestion in bankruptcy in the same day. You receive an acknowledgment of the bankruptcy filing within thirty minutes of the time you send it to the court so you have proof that the case was filed without having to wait for mail from the court or make a special request for a fax.

Leslie and I have a very important suggestion to anyone who is considering electronic filing. By all means, participate in the training as soon as possible and complete the certification assignment immediately. Once you have been certified, do an electronically filed case as soon as possible so all the training will be fresh in your mind.

Philip Kelly has been a Chapter 7 Trustee in Western Nebraska since 1989. He also has an active bankruptcy practice representing both debtors and creditors. Leslie Kniss has been his bankruptcy assistant for over fifteen years.

TRAINING NEWS

by Nancy Gerlach

CM/ECF training is off and running! The Training Committee has trained all the Trustees and most of the Attorney Advisory Committee members. The Trustees that are "live" on ECF are the US Trustee's Office, Kathleen Laughlin, Joseph Badami, Rick Lange, James Stumpf, Richard Myers, Tom Stalnaker, Richard Lydick and Phil Kelly.

The attorneys that are "live" are John Turco, Sam Turco, Jr., Clay Rogers, Mike Snyder, C.J. Jolley, Jr., Danielle Amorena, Richard Register, Michael Mills, and Bruce Barnhart. Also, the out of state attorneys that are registered for limited use are Matthew Gold and Jorge Pineda. The enthusiasm of the attorneys has been a real boost to the court.

The Omaha Office offers training on Mondays and Wednesdays and Lincoln offers training on Tuesdays and Thursdays. The training runs approximately four to four and a half hours. Part of the committee will be traveling to North Platte to finish training the remainder of the Attorney Advisory Committee the end of May.

Some of the questions being asked by the attorneys concerning training are:

1. If they have already received training in District Court do they have to attend Bankruptcy training?
The answer is YES.

2. If the attorneys are not going to be entering the information into CM/ECF do they have to attend the training or can they just send their staff?

The attorneys MUST also attend the training in order to receive their live passwords and logins. Chief Judge Mahoney feels the attorneys need to have an understanding of the system whether or not they are going to be doing the work.

3. Do I have to have Adobe Acrobat Writer?

You must have Writer along with Reader.

If you would like to inquire about training dates and times you may call Nancy Gerlach in Omaha at (402) 661-7472 or Donna Soukup in Lincoln at (402) 437-5100 ext. 3207.